

REMARKS

Claims 1-40 were originally filed in the present application. Independent claims 1, and dependent claims 4, and 13 depending from claim 1, independent claim 19 and dependent claims 20-29 depending from claim 19, independent claim 30 and dependent claims 31-40 depending from claim 30 have been previously canceled. Dependent claims 41-54 depending from independent claim 18 have been previously added (taking notice that claims 44-53 have been renumbered to 44-54). By this amendment, claims 54-56 have been canceled, claims 2, 3, 5, 8, and 45-53 have been amended and new independent claim 57 has been added. Therefore, independent claim 14 and dependent claims 2-3, 5-12, and 15-17 depending from claim 14, independent claim 18 and dependent claims 41-53 depending from claim 18, and new independent claim 57 are pending in this application.

In the Notice Of Non-Responsive Amendment, the Examiner stated "Applicant has added at least two new independent claims, claims 55 and 56, without pointing out the distinctions that are believed to render the claim patentable over the applied art and the prior art references of record." The Notice, page 2, paragraph 1. The Examiner stated "Applicant's reply must include arguments pointing out the 'specific distinctions' believed to render the claims, *including any newly presented claims*, patentable over (i) any applied references and (ii) the prior art references of record." The Notice, page 2, paragraph 1.

Accordingly, Applicant has canceled claims 55-56 and added new claim 57. New claim 57 includes the "specific distinction" *inter alia*, of concentric removably attached buoyancy structures which is not disclosed in the cited prior art. Specifically,

US Patent No. 6,223,673 to Mears *et al.* does not disclose, *inter alia*, “concentric removably attached buoyancy structures.” The specification supports the new claim 57, as follows: FIG. 2, and associated text in paragraph 1, page 7 support the concentric removably attached buoyancy structures **43** and **46**. FIG. 5 and associated text in paragraph 2, page 8 support recessed platform structure **26**.

In the Office Action dated April 11, 2006, the Examiner objected to alleged improper dependency of claim 5. Applicant submits this rejection is moot in light of the current amendment.

The Examiner objected to the numbering of claims 44-53. Therefore Applicant has renumbered claims 44-53 to 44 to 54.

The Examiner objected to claim 53(54), allegedly because 53(54 does not further limit the preceding claim 18. Applicant has accordingly canceled claim 53(54).

Applicant gratefully acknowledges the Examiner’s indication that claims 18 and 41-43 are allowable.

Applicant gratefully acknowledges the Examiner’s indication that claims 10, 16 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges the Examiner’s indication that claims 44 and 46-52 would be allowable if the objections set forth in this Office action is overcome. Therefore, Applicant has renumbered claims 44-53 as 44-54.

The Examiner rejected claims 8 and 45(46) under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 2, 3, 5-7, 9, 11, 12, 14 and 15 under 35 U.S.C. § 102(b), as being allegedly anticipated by Kaufman *et al.* (US 5,324,221 A).

Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 102(b) using the following arguments.

35 U.S.C. § 112, second paragraph

The Examiner rejected claims 8 and 45(46) under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, Applicant has amended claims 8 and 45(46), clarifying that the permanent buoyancy structure is selected from the group consisting of an inflatable buoyancy structure, a hollow tubular buoyancy structure, and a polystyrene buoyancy structure, even though the permanent character of the permanent buoyancy structure results from physical attachment of the permanent buoyancy structure to the a first side of the platform structure. Applicant gratefully acknowledges the Examiner's indication that claim 8 and 45(46) would be allowable if the alleged rejection(s) under 35 U.S.C. § 112, second paragraph is overcome.

35 U.S.C. § 102(b)

The Examiner rejected claims 2, 3, 5-7, 9, 11, 12, 14 and 15 under 35 U.S.C. § 102(b), as being allegedly anticipated by Kaufman *et al.* (US 5,324,221 A). The Examiner states "Kaufman *et al.* shows . . . and at least one removable buoyancy structure [16] removably attached to the floatation apparatus." The Office action, page 3, paragraph 8. Applicant respectfully traverses the Examiner's rejection because nowhere does

Kaufman *et al.* show, *inter alia*, that structure [16] is **removably attached** to the floatation apparatus, as in Applicant's independent claim 14. See Kaufman *et al.*, column 4, lines 56-60 (stating "Tongue 44 which is adapted to be slidably displaced in recess 46 (and into and out of mouth 48 of recess 46) **over a predetermined range terminates at its distal end** in a pair of upturned bushings each designated by reference numeral 51."). See also *Id.* at column 5, lines 17-26 (stating "Tongue 44 then may be longitudinally pulled out of recess 46 by hand using moderate force as this will be sufficient to cause the ball detent 58 to ride out of a recess 56 thereby permitting slidable displacement of the tongue 44 in the recess 46 to a new, adjusted longitudinal position whereupon the ball detent will be urged by spring 66 to engage another recess 56 thus **locking the tongue into its new, adjusted relative position**" (emphasis added)).

Kaufman *et al.* teaches that tongue 44 is "adapted to be slidably displaced "into and out of mouth 48 of recess 46 **over a predetermined range terminates at its distal end** in a pair of upturned bushings each designated by reference numeral 51." (emphasis added). *Id.* at column 4, lines 56-60. Kaufman *et al.* further teaches that bushings 51 comprise the hinge assembly 26 permitting selective folding of section 16 relative to sections 12 and 14. See Kaufman *et al.*, column 4, lines 64-68. Therefore, Applicant respectfully contends that Kaufman *et al.* does not teach that structure [16] is **removably attached** to the floatation apparatus, as in Applicant's independent claim 14, because the tongue 44, and therefore the hinge assembly 26 and structure 16 only slidably displaces into and out of mouth 48 of recess 46 **over a predetermined range terminates at its distal end**.

Kaufman *et al.* teaches that that tongue 44 may be pulled out of recess 46, thereby permitting slidable displacement of the tongue 44 in the recess 46 to a new, adjusted longitudinal position whereupon the ball detent will be urged by spring 66 to engage another recess 56 thus **locking the tongue into its new, adjusted relative position**” (emphasis added). *Id.* at column 5, lines 17-26. Nowhere does Kaufman *et al.* teach that structure [16] is **removably attached** to the floatation apparatus, as in Applicant’s independent claim 14, because slidable displacement of the tongue 44 in the recess 46 to a new, adjusted longitudinal position whereupon the ball detent will be urged by spring 66 to engage another recess 56 thus **locking the tongue into its new, adjusted relative position**” (emphasis added). Kaufman *et al.* does not teach the structure 16 is removable because Kaufman *et al.* teaches **locking the tongue into its new, adjusted relative position**” (emphasis added). *Id.* at column 5, lines 17-26.

In light of the foregoing, Applicant respectfully submits that the Examiner’s rejection of claims 2, 3, 5-7, 9, 12, 14 and 15 are improper because Kaufman *et al.* do not teach each and every feature of claim 14, specifically “at least one removable buoyancy structure . . .” Therefore, the Examiner should withdraw his rejection.


Applicant submits that new claim 57 is in condition for allowance because it is supported by the specification and claims allowable subject matter.

CONCLUSION

Accordingly, based on the preceding arguments, Applicant respectfully submits that Claims 2, 3, 5-7, 9, 12, 14 and 15, and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

The Director is hereby authorized to charge and/or credit Deposit Account No. 50-3981.

Date: 10/11/2006


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